TAMIL NADU GOVERNMENT VIEWS ON STATE AUTONOMY AND THE RAJAMANNAR COMMITTEE REPORT 1974

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The Government of Tamil Nadu solemnly declares its firm resolve to uphold the sovereignty and integrity of India and expresses its deep conviction that for the speedy economic and social progress of the Nation, the Constitution of the country should be federal in its true sense.

In this connection, it is relevant to refer to the material part or the historical objectives resolution moved by Pandit Jawaharlal Nehru in the Constituent Assembly which adopted it on 22nd January 1947 :

> "Wherein the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States, as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and
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> Wherein the said territories, whether with their present boundaries or with such others as may

be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the *Status of autonomous units,* together with residuary powers, and exercise all powers and functions of Government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom".

India is a vast country with people of different languages, culture and history. Each State has its own peculiar needs and problems. Hence the States should have freedom of action and sufficient powers, legislative and executive, to secure their progress without impairing the unity of the country. This is possible only under a truly federal set up.

In our country, unfortunately, the experience during the past twenty-five years after Independence is that the powers concentrated in the Centre have been so exercised as to inhibit the States and to deprive them of their initiative.

There has been a strong tendency to work the Constitution as a unitary one treating the States as

sub-servient to the Centre. It is a myth to say that the Centre can be strong only if most of the powers are concentrated in the Centre. Thiru K. Santhanam, an elderly statesman, who was a member of the Constituent Assembly, has critically examined the plea for a strong Centre and says-

> ".......a strong Centre is indispensable if India is not to disintegrate and dissolve in choas. But I..........do not agree with those who equate strength with the range of formal constitutional powers. On the other hand, I am emphatically of opinion that by taking upon itself too many obligations in relation to the vast population spread over the length and breadth of India, the Centre will become incurably weak. It is only through concentration on essential All-India matters and by refusing to share the responsibility in such matters with the States, while giving complete autonomy to the States in the rest of the field of Government, the Parliament and the Central Government can be really strong. The tendency towards vague unhealthy paternalism which has

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Vide the paper of Thiru K. Santhanam, presented by him to the National Convention on Union-State Relations held in New Delhi on 1-4-1970.

come to envelop Indian Federalism as a result of the dominance of a single party during the first two decades of independence is as bad for the Centre as it is unpleasant and provocative to the States".

Dr. Anna, Chief Minister of Tamil Nadu, while presenting the Budget in the Legislative Assembly on 17th June 1967, has observed as follows :-

"It is futile to raise the altruist argument that national unity will be impaired by such pleas for development of the States. There has been considerable change in the matrix of Central-State financial relations since the provisions of the Constitution in this regard were settled. There have been a number of new trends and developments which could not have been visualised when the Indian Constitution was framed. The Constitution has already provided for considerable concentration of powers in the hands of the Central Government. Through a new institution which was beyond the ken of the architects of the Constitution, the Centre has acquired still larger powers causing concern about the position of the

States. This new development relates to economic planning. The powers which the Central Government has assumed in regard to mobilisation, allocation and pattern of utilisation of resources for the plan have reduced the States to the status of supplicants for aid from Centre. Though some may shrink from discussing this issue on account of party discipline, all those who have looked at this problem from the purely economic angle, have expressed regret at these trends in financial relationship between Centre and State. By virtue of the powers vested in it such as those under entries 36 to 38 in the Central List under the Seventh Schedule of the Constitution relating to issue of currency and foreign exchange, the Centre is fully accountable for inflation and deficit financing. The responsibility for rise in prices due to these factors is thus squarely with the Centre. The Centre has consequently also to assume responsibility for control of prices. Though the State Governments have to suffer from the impact of rising prices due to the policies of the Central Government, the Indian Constitution has not vested the States with necessary powers to control the prices and set right the situation. Hence

it is that I am facing with the situation in which I have to request the Centre to share the additional expenditure involved in payment of dearness allowance to Government employees due to rise in prices and the loss on account of distribution of foodgrains at reduced rates. It will now be possible to appreciate why I feel aggrieved when the Centre asserts that each State Government should itself bear the burden involved in distribution of foodgrains at subsidised rates and grant of dearness allowance to Government employees. Unless considerations of party cloud their judgement, those who have made a study of the relationship between the Centre and States in our Constitution, will not hesitate to endorse the validity of my argument."

It will be seen that through concentration of powers in its hands, the Centre actually becomes weak. The States have been made completely subservient to the Centre and they find themselves helpless under the present Constitution.

In a true federation, the Federal Government should have only powers relating to defence, foreign affairs, inter-state communication and currency. All the other powers

along with the residuary powers should only vest with the States. The Federal Government and the State Governments should be completely independent of each other in their respective spheres. This Government firmly believes that only under such a Federal Constitution, the Nation can prosper as a whole.

With this end in view, this Government appointed Committee in 1969 headed by Dr.P.V. Rajamannar with Dr.A. Lakshmanaswami Mudaliar and Thiru P. Chandra Reddy as member to suggest suitable amendments to the Constitution of India so as to secure to the States the utmost autonomy. This Committee submitted its Report in 1971.

In the Constitution, legislative powers of the Parliament and the State Legislatures are given in the Seventh Schedule under the headings "UNION LIST", "STATE LIST" and the "CONCURRENT LIST". The Rajamannar Committee has suggested certain changes in those Lists. With the aim of setting up a true federation with a Federal Government having power only relating to Defence, Foreign Policy, Inter-state communication and Currency and the States having all the other powers including the residuary power, the Government of Tamil Nadu after taking into

consideration the recommendations of the Rajammannar Committee has formulated changes in the constitutional provisions and also the entries of the legislative power. Incidental and consequential changes in the Constitutional provisions should also be made.

The following are the important changes suggested in the constitutional provisions :

Issue of Directions to the States by the Union : Articles 256, 257, 339 (2) and 344 (6) empowering the Central Government to issue direction to the State Government should be omitted. Federal Government should have no such power to give direction.

Inter-State Council : The Inter-State Council should be constituted consisting of all the Chief Ministers or their nominees, with equal representation for all the States, and the Prime Minister as its Chairman. No other Union Minister should be a Member of the Council.

In respect of any action to be taken in any matter relating to defence, foreign affairs, Inter-State communications and currency in so far as it affects the Centre - State relations or a State or States, the Inter-State Council should be consulted.

Similarly, the Inter-State Council should have the opportunity to discuss all economics, fiscal, monetary and financial measures undertaken by the Federal Government.

The Inter-State Council envisaged by article 263 of the Constitution will be ineffective and will not serve any purpose.

The recommendations of the Inter-State Council should ordinarily be binding on the Centre and the States. If, for any reason any such recommendation is rejected the recommendation together with the reasons for its rejection should be laid before Parliament and the State Legislatures.

Legislative power under Concurrent List : Before any Bill is introduced in Parliament in relation to any entry of the Concurrent List, the Inter-State Council and the States should be consulted. At the time of introduction of the Bill, the remarks, of the Inter-State Council and a brief resume of the opinions, if any, of the State Governments should be placed before the Parliament.

Residuary Powers : The residuary power of legislation and taxation should be vested in the State Legislatures.

Articles 154 and 258 : The provision giving power to Parliament to make laws conferring power on State and State authorities should be omitted.

Article 169 : The power to abolish or create Legislative Councils should be vested exclusively in the State Legislative Assemblies without the necessity of any Parliamentary Legislation.

Article 249 : This article, which empowers the Parliament to legislative with respect to a matter in the State List shall be omitted.

Article 252 : This article empowering the Parliament to legislate for two or more States by consent should be omitted.

Reservation of State Bills for Consideration by President : The provision regarding the reservation of State Bills for the consideration and assent of the President should be omitted. Article 254 should be so amended that in respect of matters falling within the concurrent legislative list, the State law shall prevail over the federal law.

Promulgation of Ordinance by Governor : The proviso to article 213 (1), which makes it necessary to obtain the

instructions of the President before promulgation of Ordinance should be omitted.

Grants : The grants by the Centre to the States, both for plan expenditure and non-plan expenditure should be made only on the recommendations of an independent and impartial body like the Finance Commission or similar statutory body.

Finance Commission : The Finance Commission as envisaged in the Constitution examines the financial resources and the needs of the States. But it does not discharge a similar function in relation to the finances of the Centre. It is necessary that there should be a periodic assessment of the financial resources and the needs of the Central Government also. The Finance Commission should accordingly be empowered to examine the resources and needs not only of the States but of the Central Government as well. The Finance Commission will then recommend the amounts necessary for enabling the Central Government to discharge its responsibilities and the amounts so recommended should be allocated from out of the taxes levied by the Central Government.

The Finance Commission should be a permanent body with its own Secretariat.

The members of the Finance Commission should be appointed in consultation with the Inter-State Council.

It should be expressly provided in the Constitution that the recommendations of the Finance Commission should be binding on all the parties - Centre as well as the States.

Loans and indebtedness of States : There should be a Federal Debt Commission which should examine the entire issue relating to the indebtedness of States. This Commission should in course of time function as a Federal Development Bank consisting of representatives of the Centre and the States. This Bank should deal with applications for loans made either by the Centre or any State over and above borrowings in the open market.

Relief Fund : There should be a fund for each for the relief of distress arising out of natural calamities. The fund may also be utilised for ameliorative measures.

Planning Commission : The Planning Commission should be placed on an independent footing without being subject to control by the Union Executive or to political influences. To secure this objectives, it should be placed

on a statutory basis by Parliament enacting a law providing for the establishment of a Planning Commission.

The Planning Commission to be established by law should consist of only experts in economic, scientific, technical and agricultural matters and specialists in other categories of national activity. No member of the Government of India should be on it. The law to be made in this behalf should deal with the tenure, term of office and conditions of service of the members of the Planning Commission which should have a Secretariat of its own. The existing Planning Commission should be abolished.

The duty of the Planning Commission should be to tender advice on schemes formulated by the States.

It will also have the responsibility of making recommendations for consideration by the Finance Commission regarding grant of foreign exchange to States for industrial undertakings started by or in the States. The Finance Commission will keep the recommendation of the Planning Commission in view, in recommending grants.

Each State may have a Planning Board of its own.

Planning and Development : The Industries (Development and Regulation) Act, 1951 (Central Act LXV of 1951), should be repealed.

The State should have the power to start and carry on new industries and to grant licences to start new industrial undertaking within the State, and where foreign exchange is needed for any industrial undertaking licenced or started by a State, it should be provided by means of block grants to be allocated to each State, subject to National Plan Priorities, National Demand Projections and Information Sharing System.

Judiciary - The Supreme Court : No appeal from the High Court should lie to the Supreme Court in ordinary civil, criminal or other matters, whatever be the pecuniary interests involved and whatever the sentence imposed, except in a case involving constitutional issues including Inter-State issues or the interpretation of a Central Act.

In appointing Judges of the Supreme Court, it is desirable to secure, as far as possible and without detriment to efficiency, representation for the High Court and the Bar of the different parts of the country.

High Courts : Since the legislative power relating to constitution and organisation of High Court is proposed to be transferred to the State List, articles 217, 222, 223, 224 and 224-A require suitable amendment or omission.

Reference to the High Court : Whenever any particular provision of a State Act is challenged before the High Court on the ground that the provision is unconstitutional, the State Government concerned should have the power to move the High Court for referring the question to a Full Bench of three or more Judges of whom one should be the Chief Justice. The Bench as constituted should consider each and every provision of the Act concerned and once its decision is rendered no provision of the Act should be challenged thereafter, on the ground of unconstitutionality. The State Government should be empowered to refer any question of law or fact public importance to the High Court for its advisory opinion.

Governor : The office of the Governor is a legacy of the British colonial system. The method of appointment of the Governor as provided for in our Constitution makes it an anachronism in a democratic set up. He is a functionary appointed by, and responsible to, the Central Government and as such, he could not be expected to understand the

local conditions and the political situation. The expenditure incurred on the office of the Governor does not seem to square with the socialistic pattern of society. The expenditure is a wasteful one, which could well be dispensed with. The Supreme Court in *Rao Shiv Bahadur Singh Vs. State of Vindhya Pradesh* (1953 SCR 1188) has held that a Minister is an officer subordinate to the Governor. Thus, the elected representative of the people in Legal theory is nothing more than a servant of a nominee of the Central Government. The time is ripe for doing away with the office of the Governor.

Where the office of Chief Minister falls vacant by death, resignation, etc., under the West German procedure, the successor should be elected within a fixed period of time and if this is not done the Assembly will automatically stand dissolved. During this interregnum, it is suggested that the Chief Justice of the State may take charge of the administration till such time as a new Chief Minister assumes office. If the principle underlying this suggestion is accepted the other details may be worked out.

The executive can be dismissed under the West German System by a vote of no-confidence called as the "Constructive Vote of non-confidence". Under this provision

the executive cannot be dismissed by a no-confidence motion unless it is accompanied by the selection of his successor. A system similar to this may be adopted here also. The Chief Minister will discharge the functions at present being attended to by the Governor. If there is any interregnum, the Chief Justice of the State will discharge the functions while there is no Chief Minister.

Emergency Powers : Emergency powers under articles 356 and 357 which enable the imposition of the President rule in States shall be omitted.

Article 365 : Provisions for issue of directions by the Federal Government have been omitted. Consequently, this article also has to be omitted.

National Emergency - Articles 352 and 354 : Powers under articles 352 and 354 relating to proclamation of emergency and the consequential powers should be restricted only to war or external aggression.

Article 353 (a) : Power to issue directions while there is proclamation of emergency should be restricted only to war or external aggression. But such directions shall be issued only with the approval of the Inter-State Council.

Article 355 : The duty of the Federal Government to protect every State should relate only to war and external aggression.

Financial Emergency - Article 360 : The provision which empowers the President to issue a proclamation of emergency in cases of threat to financial stability or credit of India shall be omitted.

Public Services : There should be only two classes of services

1. Services for the purpose of Federal Government, and

2. services for the purpose of State Government.

The existing All-India services including the I.A.S., and I.P.S., should be absorbed either with the Federal services or with the State services.

The recruitment to the State services and conditions of service will continue to be regulated by the States. Recruitment to the Federal services will be in accordance with the existing procedure subject to the modification that

such recruitment should be made on a State-wise basis, with provision for reservation of posts for members of the Scheduled Castes, Scheduled Tribes and Backward Classes with reference to their population in each State.

There should be provision for mutual exchange of members of the State services and the Federal services on such terms and conditions as may be agreed to between the Federal Government and the State Government concerned.

Article 312 : This provision relating to All India services and creation of new All India services should be omitted.

Emoluments of Central employees : The emoluments of Government employees of the Central and States should be uniform throughout the country, making due allowance for local or special conditions.

State Public Service Commission : The power relating to State Public Service Commission and the removal and suspension of the members thereof shall vest with the State Government.

Territory of the State : It should be expressly provided in the Constitution itself that the territorial integrity of a

State should not be interfered within any manner, except in accordance with any one of the following three alternatives -

1. The consent of the State Legislature concerned should be obtained.

2. The issue should be referred to and decided by a high level judicial tribunal to be constituted for the purpose with the consent of the contending parties and its decision should be binding on all the parties.

3. The opinion of the people of the area or areas concerned should be ascertained by holding a special poll.

In other words articles 3 and 4 should be omitted and for altering the boundaries, area, etc. of any State, a Constitutional amendment would be necessary.

Representation of States in Parliament - Council of States : There should be equal representation for each State, that is to say, each State should have the same number of representatives irrespective of population.

There should be no nominations to the Council of States.

House of the People : The number of seats fixed for each State in 1951 should remain unaltered except where there is increase in population in which case the number of seats may be increased subject to a maximum. However in no case should the number of seats fixed for each State in 1951 be reduced.

Language : The Official Language of the Union Government will be all the languages specified in the Eighth Schedule to the Constitution. Till this is achieved, English should continue as the official language in all the Union Government departments including Central Secretariat and for purposes of communication between Centre and States. English should continue to be the language of Supreme Court. The official language in all the courts including High Court will be decided by the respective State Governments. The offices of the Federal Government situated in any State should in addition to English, use the official language of that State for transaction of business in those offices with the public. All communications by and between the Federal Government officers in the State and the

Government of the State and its offices should be in the official language of the State. Members of the Central services employed in a State should be well conversant with the official language of the State.

Trade and Commerce - Article 302 : This article which empowers the Parliament to impose restriction on trade and commerce and intercourse should be omitted.

Article 304 (b) : The proviso to article 304 (b) which requires the previous sanction of the President for the Bills of the State Legislature should be omitted.

Public Order : The Central Reserve Police Force should not be deployed in any State except at the request or with the consent of that State.

Machinery for conducting Elections to the State Legislatures : Both the Representation of People Act, 1950 and the Representation of People Act, 1951 should be amended so as to confine the provisions and the rules made thereunder to elections to Parliament. The State Legislatures must be left free to enact laws in relation to elections to the State Legislature.

Inter-State Water Disputes : If there is a water dispute in respect of an Inter-State river, there must be nogitiations between or among the Chief Ministers of the States concerned or their representatives. If in such negotiations no agreement is reached within a prescribed time, then the Prime Minister should settle the issue within the period prescribed. If there is no such settlement, then, the issue should be referred to the Supreme Court by the Federal Government itself directly within a prescribed period. If the Federal Government fails to make such reference, any of the parties to the dispute may make a reference to the Supreme Court. Such reference should be heard by a Bench of the Supreme Court consisting of all the Judges.

Satisfactory provisions should be made for implementing the decisions of the Supreme Court.

Sea-Bed under Territorial Waters : Article 297 should be amended so as to vest in the State itself all lands, minerals and other things of value underlying the ocean within the territorial waters adjacent to that State.

Union Executive : Conventions should be established regulating the formation of the Union Cabinet in such a way as to secure, consistent with the parliamentary type

of Government and all that it involves, representation for the various regions of the country.

The number of Central Ministers of Cabinet rank belonging to any one single State should not be more than one-fifth of the total number.

The Study Team under the Chairmanship of Thiru M.C. Setelvad constituted by the Administrative Reforms Commission to consider Centre-State relationship has devoted an entire Chapter to the role of Central agencies dealing with matters in the State and Concurrent Lists. According to the recommendation of the Study Team the items of work should be decentralised to the States and the role of the Central Government should be that of guide, planner and evaluator. The Administrative Reforms Commission has recommended that the role of the Central Ministries and Departments with regard to the subjects falling within the State List should be restricted. There is no need for a full-fledged separate Ministry or Department at the Centre for dealing with a subject falling within the State List.

Amendment of the Constitution : Every amendment of the Constitution, irrespective of the provision involved should need ratification by the Legislatures of all the States.

Legislative powers: The legislative powers of Parliament and the State Legislatures have been enumerated in the Seventh Schedule to the Consitution as Union List, State List and Concurrent List. These entries of legislative powers have been examined in detail and a new set of three lists of legislative powers, namely Federal List, State List and the Concurrent List have been prepared with the object of setting up of a true federation with a Federal Government having powers only relating to defence, foreign policy, Inter-State communication and currency and the States having all the other powers including residuary power giving due consideration to the recommendations of the Rajamannar Committee.

FEDERAL LIST

LEGISLATIVE POWERS RETAINED

The following entires of legislative powers in the Union List have been retained in the Federal List as folloows :

Defence of India and every part thereof including preparation for defence and all such acts as may be conductive in times of war to its prosecution and after its termination to effective demobilisation.

Naval, Military and Air forces; any other armed forces of the Union.

Delimitation of cantonment areas, local self-Government in such areas, the constitution and powers within such areas of contonment authorities and the regulation of house accommodation (including the control of rents) in such areas;

Naval, military and air force works;

Arms, Firearms, ammunition and explosives;

Atomic energy and mineral resources necessary for its production so far as it relates to the defence of the country;

Industries so far as they are necessary for the purpose of defence or for the prosecution of war;

Central Bureau of Intelligence and Investigation;

Preventive detention for reasons connected with Defence Foreign Affairs; or the security of India; persons subjected to such detention;

Foreign affairs; all matters which bring the Union into relation with any foreign country;

Diplomatic, consular and trade representation;

United Nations Organisation;

Participation in international conferences associations and other bodies and implementing of decisions made thereat :

Entering into treaties and agreements with foreign countries and implementing of treaties agreements and conventions with foreign countries;

War and peace;

Foreign Jurisdiction;

Citizenship, naturalisation and aliens;

Extradition;

Admission into and emigration and expulsion from India; passports and visas;

Pilgrimages to places outside India;

Piracies and crimes committed on the high seas or in the air; offences against the law of nations committeed on land or the high seas or in the air;

Inter-State railways;

Maritime and Shipping/navigation, including shipping and navigation on tidal waters; provision of education and training for the mercantile marine and regulation of such education and training;

Federal Government Services and federal Government Public Service Commission;

Federal Government pensions, that is to say, pensions payable by the Government of India or out of the consolidated Fund of India;

Elections to Parliament and to the offices of President and Vice-President;

Election Commission in respect of such elections:

Salaries and allowances of members of Parliament, the Chairman and Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the people;

Powers, privileges and immunities of each House of Parliament and of the members and the Committees of each House; enforcement of attendance of persons for giving evidence or producing documents before committees of Parliament or commissions appointed by Parliament;

Emoluments, allowances, privileges, and rights in respect of leave of absence of the President, salaries and allowances of the Ministers for the Federal Government; the salaries, allowances and rights in respect of leave of absence and other conditions of service of the Comptroller and Auditor-General of the Federal Government;

Audit of the accounts of the Federal Government;

Constitution, organisation, jurisdiction and powers of the Supreme Court (including contempt of such Court) and the fees taken therein, persons entitled to practise before the Supreme Court;

Extension of the jurisdiction of a High Court to, and exclusion of the jurisdiction of, a High Court from any Union Territory with the concurrence of the concerned State Government;

Inter-State migration; inter-State quarantine;

Duties of customs including export duties;

Offences against laws with respect to any of the matters in the Federal List;

Inquiries, surveys and statistics for the purpose of any of the matters in the Federal List;

Jurisdiction and powers of all courts except the Supreme Court with respect to any of the matters in the Federal List; admiralty jurisdiction;

Fees in respect of any of the matters in the Federal List but not including fees taken in any Court.

STATE LIST

1. LEGISLATIVE POWERS RETAINED IN THE STATE LIST

The following entries of legislative powers in the State List have been retained in the State List :-

Public order (but not including the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power);

Police, including railway and village police;

Administration of justice, constitution and organisation of all courts, except the Supreme Court, Officers and servants of the High Court; procedure in rent and revenue courts; fees taken in all courts except the Supreme Court;

Prisons, reformatories, Borstal institutions and other institutions, of a like nature, and persons detained therein arrangements with other States for the use of prisons and other institutions;

Local Government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration;

Public health and sanitation; hospitals and dispensaries;

Pilgrimages, other than pilgrimages to places outside India;

Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.

Relief of the disabled and unemployable;

Burials and burial grounds; cremations and cremation grounds;

Education including universities;

Libraries, museums and other similar institutions controlled or financed by the State; ancient and historical monuments and records;

Communication, that is to say, roads, bridges, ferries, and other means of communication, municipal tramways, ropeways; inland waterways and traffic thereon; vehicles other than mechanically propelled vehicles;

Agriculture, including agricultural education and research protection against pests and prevention of plant diseases;

Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice;

Pounds and the prevention of cattle trespass;

Water, that is to say, water supplies irrigation and canals, drainage and embankments, water storage and water power;

Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents, transfer and alienation of agricultural land; land improvement and agricultural loans; colonization;

Forests;

Protection of wild animals and birds;

Fisheries;

Courts of wards subject to the provisions of List-I encumbered and attached estates;

Regulation of mines and mineral development;

Industries subject to the provisions of List I;

Gas and gas-works;

Trade and commerce within the State;

Production, supply and distribution of goods;

Markets and fairs;

Weights and measures except establishment of standards;

Money-lending and money-lenders; relief of agricultural indebtedness;

Inns and inn-keepers;

Incorporation regulation, and winding up of corporations, and universities; unincorporated trading, literary, scientific, religious and other societies and association; co-operative societies;

Theatres and dramatic performance; cinemas; sports, entertainments and amusements;

Betting and gambling;

Work, lands and buildings vested in or in the possession of the State;

Elections to the Legislature of the State;

Salaries and allowances of the members of the Legislature of the State, of the Speaker and Deputy Speaker of the Legislative Assembly and, if there is a Legislative Council, of the Chairman and Deputy Chairman thereof;

Powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof and, if there is a Legislative

council, of that Council and of the members and the committees thereof; enforcement of attendance of persons for giving evidence or producing documents before committees of the Legislative of the State;

Salaries and allowance of Ministers for the State;

State public services; State Public Service Commission;

State pensions, that is to say, pensions payable by the State or out of the Consolidated Fund of the State;

Public debt of the State;

Treasure trove;

Land revenue, including the assessment and collection of revenue, the maintenance of and records, survey for revenue purposes and records of rights, and alienation of revenues;

Taxes on agricultural income;

Duties in respect of succession to agricultural land;

Estate duty in respect of agricultural land;

Taxes onlands and buildings;

Taxes on mineral rights;

Duties of excise on the following goods manufactured or produced in the State and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India:-

a) alcoholic liquors for human consumption;

b) opium Indian hemp and other narcotic drugs and narcotics;

Taxes on the entry of goods into a local area for consumption, use or sale there in;

Taxes on the consumption or sale of electricity;

Taxes on the sale or purchase of goods other than news papers;

Taxes on advertisements;

Taxes on goods and passengers carried by road or on inland waterways;

Taxes on vehicles whether mechanically propelled or not suitable for use on roads, including tramcars;

Taxes on animals and boats;

Tolls;

Taxes on professions, trade, callings and employments;

Capitation taxes;

Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling;

Rates of stamp duty in respect of documents;

Offences against laws with respect to any of the matters in this List;

Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List;

Fees in respect to any of the matters in this List, but not including fees taken in any court.

(2) LEGISLATIVE POWERS TRANSFERRED FROM THE UNION LIST TO STATE LIST

The following entries of legislative powers in the Union List have been transferred to the State List:-

Atomic energy and mineral resources for purposes other than defence;

Railways within the State;

All Highways within the State;

Shipping and navigation on inland waterways as regard mechanically propelled vessels, the rule of the road on such waterways;

Carriage of passengers and goods by railways within the State;

Wireless, broadcasting, television and other like forms of communication;

Savings Bank;

Lotteries;

Inter-State trade and commerce;

Incorporation, Regulation and winding up of trading corporations, including banking, insurance and financial corporations;

Incorporation, regulation and winding up of corporation whether trading or not;

Banking;

Insurance;

Stock exchange and future markets;

Regulation and development of oil-fields and mineral oil resources; petroleum and petroleum products; other liquids and substances;

Regulation of labour and safety in mines and oil fields;

Fishing and fisheries within territorial waters;

Manufacture, supply and distribution of salt; regulation and control of manufacture, supply and distribution of salt;

Cultivation, manufacture, and sale for export of opium;

Sanctioning of cinematograph films for exhibition;

Institutions for scientific or technical education;

Institutions for professional, vocational or technical training, including the training of police officers; or the promotion of special studies or research; or scientific or technical assistance in the investigation or detection of crime;

Determination of standards in institution for higher education or research and scientific and technical institutions;

Ancient and historical monuments and records, and archaeological sites and remains;

Elections to the Legislatures of States; Election Commission relating to such elections;

Audit of the accounts of the State;

Constitution and organisation (including vacations) of the High Court; provisions as to officers and servants of the High court; persons entitled to practise before the High Court;

Taxes on income;

Duties of excise on tobacco and other goods including medicinal and toilet preparations containing alcohol or any substance;

Corporation tax;

Taxes on the capital value of assets of individuals and companies; taxes on the capital of companies;

Estate duty in respect of property;

Duties in respect of succession to property;

Terminal taxes on goods or passengers, carried by railway, sea or air; taxes on railway fares and freights within the State;

Taxes other than stamp duties on transactions in stock exchanges and future markets;

Rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts;

Taxes on the sale or purchase of newspapers and on advertisements published therein;

Taxes on the sale or purchase of goods other than newspapers;

Any other matter not enumerated in List I or List III including any taxes not mentioned in the either of those Lists.

(3) LEGISLATIVE POWERS TRANSFERRED FROM THE CONCURRENT LIST TO THE STATE LIST

The following entries of legislative powers in the Concurrent List have been transferred to the State List :-

Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect to any of the matters specified in the Federal List and excluding the use of naval, military or air forces or any other armed forces of the Federal Government in aid of the civil powers;

Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution:

Preventive detention for reasons connected with the security of the State, the maintenance of Public order, or the maintenance of supplies and services essential to the community; persons subjected to such detention;

Marriage and divorce; infants and minors; adoption; wills; intestacy and succession; joint family and partition; all matters inrespect of which parties in judicial proceedings were immediately before the commencement of this Constitution subject to their personal law;

Transfer of property; registration of deeds and documents

Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts;

Actionable wrongs;

Bankruptcy and insolvency;

Trust and Trustees;

Administrators-General and official trustees;

Evidence and oaths; recognition of laws, public acts and records, and judicial proceedings;

Civil procedure, including all matters included in the Code of Civil Procedure at the commencement of this Constitution, limitation and arbitration

Contempt of court, but not including contempt of the Supreme Court;

Vagrancy; nomadic and migratory tribes;

Lunacy and mental deficiency, including places for the reception or treatment of lunatics and mental deficients;

Prevention of cruelty to animals;

Economic and Social planning;

Commercial and industrial monopolies, combines and trusts;

Trade unions; industrial and labour disputes;

Social security and social insurance; employment and unemployment;

Welfare of labour including conditions of work, provident funds, employer's liability, workmen's compensation, invalidity and old-age pensions and maternity benefits;

Vocational and technical training of labour;

Legal, medical and other professions;

Charities and charitable institutions, charitable and religious endowments and religious institutions;

Vital statistics including registration of births and deaths;

Ports other than major ports;

Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways, and the carriage of

passengers and goods on inland waterways within the State;

Trade and commerce, in and the production, supply and distribution of , -

a) the products of any industry, and imported goods of the same kind as such products;

b) foodstuffs including edible oilseeds and oils;

c) cattle fodder, including oil cakes and other concentrates;

d) raw cotton, whether ginned or unginned, and cotton seed; and

e) raw jute;

Price control;

Mechanically propelled vehicles including the principles on which taxes on such vehicles are to be levied;

Factories;

Boilers

Electricity;

Newspapers, books and printing presses;

Archaeological sites and remains;

Acquisition and requisitioning of property;

Recovery in a State of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such arrears;

Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty;

Inquiries and statistics for the purposes of any matters specified in the State List.

CONCURRENT LIST

(1) LEGISLATIVE POWERS RETAINED

The following entries of legislative powers in the Concurrent List have been retained in the Concurrent List :-

Removal from one State to another State of prisoners, accused person and persons subjected to preventive detention;

Prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, animals or plants;

Custody, management and disposal of property declared by law to be evacuee property;

Relief and rehabilitation of persons displaced from their original place of residence by reasons of the setting up of the Dominations of India and Pakistan;

Inquiries and statistics for the purpose of any of the matters specified in the Concurrent List;

Jurisdictions and powers of all Courts, except the Supreme Court, with respect to any of the matters in the Concurrent List.

Fees in respect of any of the matters in the Concurrent List but not including fees taken in any court.

(2) LEGISLATIVE POWERS TRANSFERRED FROM THE PRESENT UNION LIST TO THE CONCURRENT LIST

The following entries of legislative powers in the Union List have been transferred to the Concurrent List :-

Bills of exchange, cheques, promissory notes and other like instruments;

Patents, inventions and designs, copyright, trade marks and merchandise marks;

Establishment of standards of weight and measure;

Establishment of standards of quality for goods to be exported out of India or transported from one State to another;

Regulations and development of inter-State rivers and river valleys;

The Survey of India, the Geological, Botanical, Zoological and anthropological Survey of India, Meteorological organisations;

The above changes in the List of legislative powers have also to be incorporated in the Constitution with necessary amendments, supplemental, incidental and consequential.

M. KARUNANIDHI
Chief Minister

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